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Chairman: Ms. Leyton (Vice-Chairperson) ..... (Chile)

Contents

Agenda item 109: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*)

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In the absence of Mr. Wenaweser (Liechtenstein), Ms. Leyton (Chile), Vice Chairperson, took the Chair.

The meeting was called to order at 10.15 a.m.

Agenda item 109: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/57/134, A/57/138, A/57/140, A/57/182, A/57/205 and Add.1, A/57/274, A/57/275, A/57/277, A/57/283, A/57/311 and Add.1, A/57/323, A/57/356, A/57/357, A/57/369, A/57/371, A/57/384, A/57/385, A/57/394, A/57/446, A/57/458-S/2002/1125, A/57/484, A/C.3/57/7)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/57/230, A/57/284, A/57/290 and Corr.1, A/57/292, A/57/309, A/57/325, A/57/326, A/57/345, A/57/349, A/57/366 and Add.1, A/57/433, A/57/437, A/C.3/57/5)

(d) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/57/36, A/57/464)

1. **Mr. Acemah** (Uganda), speaking on agenda item 109 (c), said that his delegation wished to return to issues contained in the interim report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo (A/57/437) which had already been raised at the meeting on 6 November 2002 but had not been addressed. Regarding paragraphs 3 and 4 in particular, he said that the report was one-sided and largely based on hearsay and unreliable information. The Special Rapporteur had neither consulted the Ugandan authorities nor explained the criteria used to select those she had interviewed and exclude other concerned parties.

2. In accordance with the provisions of the Lusaka ceasefire agreement and the measures taken by the Security Council, the Mouvement de libération du Congo (MLC) and the Rassemblement congolais pour la démocratie-Mouvement de Libération (RDC-ML) were responsible for administering the areas placed under their respective control. In fact, in paragraph 83 of her report, the Special Rapporteur acknowledged MLC as a de facto authority. The allegations made in paragraphs 11 and 34 about Uganda's role should therefore not be used to mislead the international community about the situation on the ground.

3. Since May 2001, at the request of the Secretary-General and in accordance with the provisions of the Luanda Agreement, Uganda had withdrawn its troops from the Democratic Republic of the Congo, except for one battalion stationed in Bunia, and was committed to the complete withdrawal of its troops under the Lusaka ceasefire agreement and the Luanda Agreement. Evoking the causes of the ethnic conflict between the Hema and the Lendu, he urged the Special Rapporteur to recognize that the root cause had been a territorial conflict; the Ugandan People's Defence Force (UPDF) had not been responsible for the killings mentioned in paragraph 68 of the report. It was unprofessional and dishonest of the Special Rapporteur — who had admitted in paragraph 5 of her report that she had been unable to visit the east of the country — to have visited only one region of the vast territory of the Democratic Republic of the Congo and then reported on a humanitarian crisis in another area. It was also regrettable that despite the weaknesses and flaws in her report, she had chosen to submit a report containing unsubstantiated allegations.

4. Regarding the legitimacy of the Ugandan presence in the Democratic Republic of the Congo, he referred to the protocol signed in April 1998 between Uganda and the Democratic Republic of the Congo and pointed out that terrorist groups, such as ADF, WNBF, UNRF II, NALU, PRA and others, including the genocidal ex-FAR and Interahamwe militias, were launching persistent and indiscriminate terrorist attacks on the people of Uganda. In that regard, Uganda called for the strengthening of the United Nations Organization Mission in the Democratic Republic of the Congo in the interest of speedy implementation of the agreed disarmament, demobilization, reintegration, repatriation and resettlement (DDRRR) measures.

5. His delegation was concerned that the report ignored the significant progress made regarding the situation in the Democratic Republic of the Congo. To quote from the address of the Ugandan Minister of Foreign Affairs to the Security Council on 5 November 2002, the prospects for peace in the Great Lakes region had never been greater and the inter-Congolese

dialogue had finalized agreement on a transitional government in the Democratic Republic of the Congo.

6. Uganda was determined to work in close collaboration with the Security Council and urged it to increase its support for the implementation of the various related agreements and to agree immediately to the deployment of adequate peacekeeping troops for the maintenance of law and order, since UPDF was committed to withdrawing from Bunia by 15 December 2002.

7. **Ms. Kang Kyung-wha** (Republic of Korea) said that the promotion and protection of human rights had become an integral dimension of the work of the United Nations, which was striving for recognition of their universal, indivisible and interdependent nature. International human rights law was now firmly established and provided an impetus for countries to enhance their own standards in upholding human rights.

8. However, too many people around the world continued to be denied their fundamental rights and were victims of torture, religious intolerance, extrajudicial execution, violence, poverty and starvation.

9. The causes of the persistence of human rights abuses were complex. A social climate that condoned one kind of violation was apt to condone others as well. The promotion of human rights must therefore focus on building and strengthening democratic, tolerant societies based on the rule of law.

10. In that regard, it was most important to incorporate human rights education in school curricula at all levels and in training programmes for public servants entrusted with law enforcement and the administration of justice. By the same token, attention should be drawn to the importance of the work of the Office of the High Commissioner for Human Rights in providing countries with technical assistance for strengthening their national capacities for upholding human rights.

11. With the establishment of the National Human Rights Commission in 2001, a vital dimension had been added to her country's national capacities in the area of human rights. In one year, the Commission had already achieved an impressive record as an independent national agency for investigating cases and making recommendations for remedial measures in cases of human rights violations, as well as conducting research and raising public awareness on human rights issues. In its desire to share experiences with others, the Commission had applied for membership of the Asia-Pacific Forum of National Human Rights Institutions and was actively participating in regional and global meetings. Its activities would greatly advance the promotion of human rights in the Republic of Korea and could set an example to other countries.

12. If human rights, which were being increasingly mainstreamed into all United Nations activities, were more widely integrated into global, regional and national programmes and policies, greater peace, stability and prosperity would be achieved around the world.

13. **Ms. Al Haj Ali** (Syrian Arab Republic) said that, in the area of human rights, the international community must abide by the principle of equal treatment, while taking account of national and regional historical, religious and cultural characteristics. It was vital to combat racism and practices such as ethnic cleansing and massive population displacement, protect fundamental freedoms, refrain from using human rights for political ends, respect the principles of State sovereignty and territorial integrity, and put an end to human rights violations by the various occupation forces.

14. Her delegation deemed it indispensable to ensure the implementation of the provisions set forth in the International Bill of Human Rights and make sure that United Nations officials, including special rapporteurs and special representatives, rigorously fulfilled the mandates entrusted to them.

15. Turning to the various reports under consideration and referring, first of all, to paragraph 26 of the report of the United Nations High Commissioner for Human Rights (A/57/36), she said that the international community must take the measures imposed by the Israeli authorities' refusal to authorize the High Commissioner to visit the occupied Palestinian territories in order to investigate the human rights situation. Certain new views expressed in the report warranted more detailed discussion. Her delegation welcomed the frankness and objectivity displayed in the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967 (A/57/366), in which he courageously reported the

Israeli occupation forces' violations of the fundamental rights of the Palestinian people. It had also studied the report of the Secretary-General on the effective implementation of international human rights instruments, including reporting obligations under international instruments on human rights (A/57/476) and considered that the dialogue among the States parties to those instruments on issues raised therein should be continued.

16. Her country was determined to implement the international human rights instruments and undertook to guarantee and protect those rights, including civil, political, economic, social and cultural rights, in accordance with the principles enshrined in its Constitution and legislation. That commitment was based on the Syrian Arab Republic's own historical, religious and economic characteristics; all Syrian citizens, without distinction based on gender, were able to exercise their democratic rights, including in the context of political pluralism and the election of people's representatives to Parliament.

17. **Ms. Korneliouk** (Belarus) said that respect for rights and fundamental freedoms guaranteed the political, economic and social stability of the State. Belarus, comprising 140 ethnicities, had taken steps to promote and protect the rights of national, ethnic, religious and linguistic minorities; since its accession to independence, it had not faced a single conflict, thanks to its systematic policy of protecting the historical, cultural and intellectual heritage of national minorities. The right of minorities to preserve their national identity and use their language was also enshrined in the domestic legislation and, in particular, in the Constitution.

18. Freedom of conscience was also enshrined in the Constitution, and approximately half the population practised a religion, with Orthodox Christians accounting for some 80 per cent of that total. Religious organizations had increased in number and diversified their activities and were now engaging in charitable works, education and efforts to strengthen international ties and contacts. Unfortunately, the proliferation of destructive sects had made it necessary to amend the Freedom of Conscience Act, particularly with regard to the establishment of religious organizations, their registration and their liquidation by the State, the conditions governing their activities as well as the equal right of believers and non-believers. That Act, which governed relations between the State and religious organizations, took account of the latter's influence on the Belarusian people's cultural, spiritual and civic traditions, an approach taken in the legislation of many European democracies. The criticism and fears expressed on that subject in the Committee were therefore unfounded.

19. On the subject of the report of the High Commissioner for Human Rights (A/57/36), Belarus agreed with the High Commissioner that every effort must be made to avoid politicizing the Commission on Human Rights and applying double standards; it should reorient its agenda and formulate recommendations on topical issues concerning the protection and promotion of human rights. The Commission must pay special attention to new issues such as the identification of terrorism with a particular religion, the resurgence of activities of racist and nationalist groups and organizations, and respect for the rights and freedoms of human beings during the fight against terrorism. Coordinated and responsible action on the part of the international community was called for in that domain.

20. **Mr. Tsepov** (Russian Federation) said that, since the adoption of resolution 48/141 in which the General Assembly had created the post of United Nations High Commissioner for Human Rights, human rights had assumed growing importance in the work of the United Nations and the High Commissioner's responsibilities had increased accordingly. The Russian Federation was convinced that the authority of the United Nations in human rights matters, and the effectiveness of global action in that field, would depend on the objectivity, moderation, pragmatism and spirit of non-politicization that the High Commissioner brought to his task.

21. It would be a mistake to see the High Commissioner merely as a global human rights defender, because his mission was, first and foremost, to contribute his utmost to the universality, indivisibility, interdependence and interrelatedness of human rights.

22. The Russian Federation commended the High Commissioner's increasing emphasis on topical issues such as the fight against racism and racial discrimination in all its forms, poverty eradication and the right to development. A firm believer in genuine dialogue, the Russian Federation deemed it important to strengthen States' cooperation within existing mechanisms for the protection of human rights. For that reason, it welcomed the High Commissioner's

intention to develop technical assistance programmes that would help States establish or consolidate their own legal mechanisms for the protection of human rights.

23. It was also necessary to improve the special procedures for strengthening national human rights protection systems. In that regard, it was most important to avoid duplication and subjectivity so that every visit by a body or personality under those special procedures would open the way to constructive dialogue with the authorities of the country in question and civil society institutions.

24. The better the High Commissioner was able to use the resources obtained in response to his appeals for annual funds, the more numerous would be the donors willing to contribute to the financing of the activities of the Office of the High Commissioner. In that connection, the Russian Federation regretted that numerous important projects were financed from voluntary contributions and were therefore left to chance, so to speak, a state of affairs that should be rectified. His country agreed with the High Commissioner that global security must be based on respect for human rights, which entailed affirmation of the rule of law and the strengthening of social justice and democracy.

25. In conclusion, it was necessary to wage a collective war on terrorism, which was spreading to the most remote areas of the world and was threatening society, values and democratic institutions and undermining the fundamental right that was the right to life. In that regard, the United Nations and all its bodies were called upon to play a leading role in promoting human rights and fundamental freedoms, facilitating dialogue among cultures and religions, eradicating poverty and eliminating discrimination.

26. **Mr. Haraguchi** (Japan), speaking on item 109 (b) and (c), said that the protection and promotion of human rights was a legitimate concern of the international community and that each and every State must endeavour to promote and protect the human rights and fundamental freedoms of its own nationals.

27. In that regard, the Democratic People's Republic of Korea had recently admitted, after more than 20 years of denials, that it had abducted Japanese nationals, which constituted a grave and flagrant violation of human dignity, human rights and fundamental freedoms. Deeply concerned about cases of enforced disappearance, his Government called upon all States concerned to respect the Declaration on the Protection of All Persons from Enforced Disappearance, conduct thorough investigations of those cases, prevent recurrences, disclose all relevant information, promptly release victims and their families and ensure their return to their place of origin. It also enjoined the Working Group on Enforced or Involuntary Disappearances to take prompt and effective action in response to the cases recently resubmitted by the families of the victims of 7 November in Geneva.

28. Practical and balanced approaches must be taken to improving human rights situations in countries of concern, as part of a constructive dialogue. Along those lines, the first human rights dialogue had been held between Japan and the Sudan in July 2002. Also, while attention should be drawn, as needed, to human rights situations, it was also necessary to recognize the efforts made by the States concerned, thereby ensuring fairness and giving those States an incentive to move forward.

29. With regard to the situation in Cambodia, his Government stressed that the atrocities committed by the Khmer Rouge should be addressed and those responsible brought to justice. The international community must support the people of Cambodia in their pursuit of justice, particularly by supporting the establishment and operation of the extraordinary chambers. The establishment of those chambers, in accordance with international standards of justice and with the support of the United Nations, was crucial to the administration of justice in Cambodia. The overall human rights situation was moving in the right direction. His Government welcomed the communal elections held in February 2002, which had helped strengthen democracy in the country. It hoped that the general elections to be held in July 2003 would be free, fair and without violence.

30. With regard to Myanmar, his Government deemed it necessary to support efforts towards democratization and nation-building. It therefore intended to enhance its support in order to meet the basic needs of the Myanmar people, in accordance with future developments there. It also endorsed the crucial role played by the Special Envoy of the Secretary-General in facilitating the reconciliation process in Myanmar; his efforts had led to the restoration of freedom of movement for Daw Aung San Suu Kyi in May 2002.

His Government welcomed the positive developments in Myanmar during the preceding year, such as the release of political prisoners and the reopening of the local branches of the National League for Democracy, and appealed to the Government of Myanmar to commence a substantive dialogue with Daw Aung San Suu Kyi without delay, in the interest of democratizing the country.

31. His Government reiterated its determination to continue to work with the United Nations to ensure the protection and promotion of human rights, which required the efforts of the entire international community.

The meeting rose at 11.10 a.m.